

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

SAMUEL O. ASINOR and  
MILLICENT TIEKU,

Plaintiffs,

vs.

THE BANK OF NEW YORK MELLON  
FKA THE BANK OF NEW YORK, AS  
TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF CWABS  
INC. ASSET-BACKED  
CERTIFICATES, SERIES 2006-6,  
BANK OF AMERICA, N.A., AND  
RUBIN LUBLIN, LLC ATTORNEYS  
AND COUNSELORS AT LAW,

Defendants.

CIVIL ACTION FILE  
NO. 1:13-cv-542-RWS-JFK

**AFFIDAVIT OF BRET J. CHANESS**

STATE OF GEORGIA  
COUNTY OF GWINNETT

1.

I, Bret J. Chaness, am of legal age and under no legal disability. I am competent in all respects to testify regarding the matters set forth herein. I am employed as an Associate Attorney at the law firm of Rubin Lublin, LLC, and I



have personal knowledge of the facts stated herein and know them to be true. This Affidavit is given voluntarily, and I authorize its use for any and all purposes allowed by law.

2.

I am co-counsel for Rubin Lublin, LLC in the above-styled action.

3.

On February 26, 2013, Rubin Lublin received an envelope from Samuel O. Asinor and Millicent Tieku.

4.

The package was addressed to "Rubin Lublin, LLC". A true and correct copy of the envelope is attached hereto as Exhibit "A".

5.

The envelope contained one copy of a Waiver of the Service of Summons, attached hereto as Exhibit "B" and a copy of the Complaint.

6.

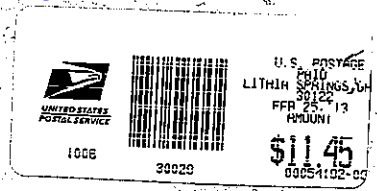
The envelope contained no other contents.

7.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 23, 2013.

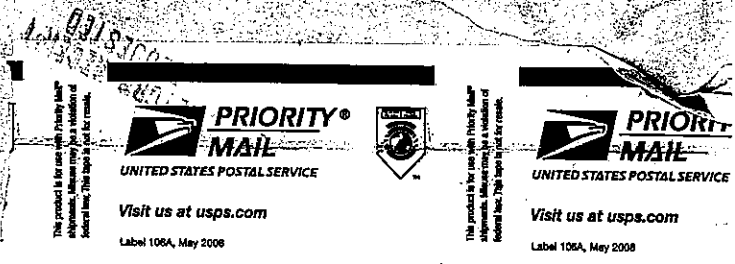
  
BRET J. CHANESS

1050 Silver Mountain  
Lithia Springs, Ga 30122



RETURN TO SENDER  
NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

Reubin Laborn, LLC  
3740 Davison Ct. Suite 50  
Peachtree Corners, Ga 30092



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Rabin Lubin LLC 3710 Davinci Court #150 Peachtree Corners Ga 30020		B. Received by (Printed Name) C. Date of Delivery	
2. Article Number (Transfer from service label) 7012 1010 0001 3404 9553		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt 102585-02-M-1540	

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Label 100A, May 2008

This product is for use on Priority Mail® mailpieces only. It is not to be used on other mailpieces. Please refer to the instructions for use on the back of the label.

AO 399 (01/09) Waiver of the Service of Summons

## UNITED STATES DISTRICT COURT

for the

Northern District of GeorgiaSamuel O. Asinor and Millicent Tieku*Plaintiff*

v.

Rubin Lubin, LLC*Defendant*

Civil Action No.

**1:13-CV-0542**

## WAIVER OF THE SERVICE OF SUMMONS

To: Samuel O. Asinor and Millicent Tieku*(Name of the plaintiff's attorney or unrepresented plaintiff)*

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from February 18, 2013, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 02/18/2103*Signature of the attorney or unrepresented party**Printed name of party waiving service of summons**Printed name*102 Silver Moon Trail, Lithia Springs, Ga 30122*Address**E-mail address**Telephone number*

## Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

EXHIBIT

B

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